

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1098 of 2005

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

REKHABEN KANUBHAI ZALA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 1098 of 2005
MR BIPIN P JASANI for Petitioner No. 1
MS REETA CHANDARANA, AGP for Respondent No. 1-2
MR HS MUNSHAW for Respondent No. 3
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CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 26/04/2005

ORAL JUDGEMENT

Rule. Learned AGP Ms.Chandarana waives service
of notice of rule on behalf of respondent Nos.1 & 2 and

learned advocate Shri Munshaw waives service of rule on behalf of respondent No.3. At the joint request of the learned advocates appearing for the parties, the petition is taken up for final disposal today.

2. The petitioner is seeking appointment on the post of Vidyasahayak as a Baxi Panch community (SEBC) candidate. It is the case of the petitioner that she is meritorious and was required to be appointed. The petitioner also produced a certificate of the authorities certifying that she does not belong to the creamy layer of SEBC communities. The certificate produced by the petitioner, however, was not of the current financial year. The petitioner contends that she produced the current certificate before the interviews were conducted. This, however, was not accepted by respondent No.3. The petitioner has therefore made a representation to respondent No.2 on 18.11.04 detailing all these aspects of the matter.

3. While disposing of the petition, respondent No.2 is directed to consider and decide the representation of the petitioner dated 18.11.04. A decision shall be taken thereon within a period of two months from the date of receipt of a copy of this order.

4. With these directions, the petition is disposed of. Rule is made absolute to the above extent with no order as to costs.

Direct service.

(Akil Kureshi, J.)
(vjn)